

Anthony D. Bornstein, OSB #861305
Assistant Federal Public Defender
101 S.W. Main Street, Suite 1700
Portland, Oregon 97204
(503) 326-2123 Telephone
(503) 326-5524 Facsimile
tony_bornstein@fd.org

Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ALLEN T. REED,

Petitioner,

v.

BRANDON KELLY,

Respondent.

Case No. 2:21-cv-01499-HZ

**DECLARATION OF ANTHONY
BORNSTEIN IN SUPPORT OF
MOTION FOR EXTENSION OF
TIME**

I, Anthony Bornstein, declare:

1. I am counsel for Allen Reed in this Federal Habeas Corpus case. This is Mr. Reed's first Federal Habeas Corpus petition. In this case, he challenges his Lane County convictions, stemming from a 2013 jury trial, for kidnapping, certain sexual offenses, coercion, and theft. The resultant sentence is 344 months in prison.

2. I am still in the process of investigation and analysis of the claims presented in the petition. Recently, as part of our investigation, FPD investigator Tricia Leishman attempted to conduct an in-person interview of the prosecution's main witness. I am also continuing to review case-related documents.

3. In addition, the Oregon Supreme Court's recent decision *Watkins v. Ackley*, 370 Or. 604 (2022), holding that the United States Supreme Court's decision in *Ramos v. Louisiana*, 140 S.Ct. 1390 (2020), applies retroactively to petitioners in Oregon postconviction proceedings, impacts one conviction and sentence in Mr. Reed's case. That has led to additional work related to the instant case.

4. I am in need of the requested extension to continue factual investigation, legal research, and to then draft the brief in support of Mr. Reed's petition.

5. This is my third request for an extension of the filing deadline. I am confident that no further extensions will be needed to complete and file the supporting brief.

6. On behalf of the Respondent, Assistant Attorney General Nick Kallstrom has no objection to the requested extension.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Respectfully submitted on February 28, 2023.

/s/ Anthony D. Bornstein

Anthony D. Bornstein
Assistant Federal Public Defender